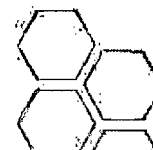


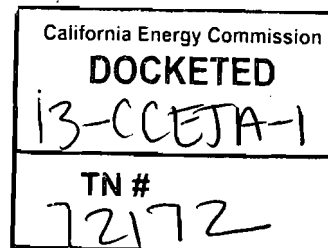


**EDUCATIONAL FACILITY
SOLUTIONS GROUP**



October 24, 2013

The Honorable Andrew McAllister
Commissioner
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814



Subject: Proposition 39 Draft Guidelines

Dear Commissioner McAllister:

This letter serves as the San Diego County Office of Education's Educational Facility Solutions Group comments and input on the California Energy Commission (CEC) Proposition 39 Draft Guidelines. The Educational Facility Solutions Group has provided, and continues to provide, school facilities planning and construction administration services to school districts within the San Diego County region. The office will also provide Districts with Proposition 39 support.

We are very appreciative of the hard work that the CEC has done in developing the draft guidelines; and we particularly want to commend the CEC staff in the outreach to agencies and the guidelines workshops that have been conducted by Ms. Deborah Godfrey and her colleagues.

A key theme that we are hearing from the CEC and the California Department of Education is that rules for the program be flexible and simple. We highly support that approach. We have the following comments for consideration. We have also reviewed the comments provided by the School Energy Coalition, and we support the comments made in its October 22, 2013 correspondence. Therefore those comments will not be restated in this letter.

- **Eight Step Process**

The eight step process for securing the funds are not as simple to implement as they may seem. The guidelines infer that they must be completed prior to the funding award, the first award being anticipated in May 2014. The EFSG will assist districts that are willing to accept our help in the preparation of the forms and the bird-dogging of the process. We recommend a self certification process similar to that employed by the State Allocation Board and Office of Public School Construction on the School Facilities Program funding as a means to allow Prop 39 funding to flow to school districts.

- **Sequencing of Facility Improvements**

Since the late 1980's many school districts in San Diego County, as well as throughout the state, have completed typical cost effective energy projects such as lighting retrofits, installation of energy management systems, HVAC retrofit and the installation of economizers, installation of window tinting and dual glazed windows, and the implementation of behavior modification programs as a means to obtain energy savings. We recommend that Step Four – Sequencing of Facility Improvements allow for the acknowledgement of steps already taken by districts so that, if appropriate, districts can use the Proposition 39 dollars for clean



Honorable Andrew McAllister

on-site energy generation projects or nonrenewable projects.

- **Contracts**
Bullet three on page 28 states that "LEAs shall not use a sole-source process to award grant proceeds". We recommend that bullet three be deleted and instead provide language that LEAs be authorized to use whatever procurement methodologies legally at their disposal in the award of grant proceeds. That should include Public Contract Code 20118, Government Code Section 4217.12, G.C. 15814.10 and Education Code 81660 Energy Service and Conservation Contracts. It should also allow Public Contract Code Sections 20188, 20652 and Government Code 14931: Purchase through other Public Agencies
- **Exhibit F: Effective Useful Life for Measures in Years**
The life expectancy identified in the last column of Exhibit F doesn't accurately represent reality. For example, many districts will not replace LEDs or other interior lamps every four years. 7 to 8 years is the norm. It may be difficult for Districts to hit the targeted Savings to Investment Ratio (SIR) using the life expectancies in Exhibit F.
- **Implementation of Projects on a District wide basis**
The guidelines appear to have grant awards directed to facilities on a site by site basis. We recommend that LEAs be given the flexibility to have projects awarded on a District Wide basis so that economies of scale in bidding may be obtained. For example, a large school district may wish to award a large lighting retrofit contract that will be implemented at several schools. This will yield project savings rather than awarding a smaller contract for each and every site. Similarly, several small school districts may wish to pool their improvements in such a way that a single bid can be used for work within each district identified in the bid.
- **Timing of the Release of Grant Awards**
LEAs primary focus is on educating of students. The summer months are the most opportune time to make facilities improvements while providing the least disruption to the educational program. That window is at best, 10 weeks long.

The self certification process and release of funding recommended in the first bullet should be structured to allow grant award to LEAs much earlier than the targeted May 2014 date. Districts must go through the local governing board process as well as the Division of State Architect process prior to awarding a contract, and if funds are not released until the spring of 2014, then there is no summer window available for improvements.

Thank you again for the CEC's hard work on the draft regulations, and for the opportunity to provide comments. Please do not hesitate to call me at 858-569-3190 if you have questions or comments regarding this correspondence.

Sincerely,



Thomas Silva,
Coordinator, School Facilities
TS/

